

Appl. No. : 09/662,454
Filed : September 14, 2000

REMARKS

Claims 58-66 are pending in this application. Claims 58-63 have been allowed. Please cancel Claim 63 without prejudice and amend Claim 64 to delete relatedness to Claim 63. Claims 64-66 were rejected under a new rejection. Reexamination and reconsideration of the application, as amended, are respectfully requested.

A. Compliance with 35 USC 112/1

The Patent Office rejected Claims 64-66 under 35 USC 112/1 as failing to meet the enablement requirement. Under MPEP 2164, the test for enablement is whether one skilled in the art could make or use the subject matter defined by the claims without undue experimentation. Under MPEP 2164.01(a), the Wands factors are to be considered in determining whether any necessary experimentation is undue. Here, as attested to by Dr. Purcell, a named inventor and an expert in the field of hepatitis viruses, the specification is enabling with respect to the claimed subject matter. Thus, here, considering all the factors related to the enablement issue, it must be concluded that it would *not* require undue experimentation to make and use the subject matter defined in the claims. The conclusion is the claims are in compliance with 35 USC 112/1 as meeting the enablement requirement.

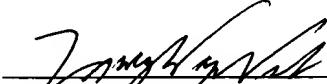
CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all outstanding rejections are respectfully requested. Allowance of the claims at an early date is solicited. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/26/06

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